HIGH COURT OF UTTARANCHAL AT NAINIAL.

Writ Petition no. 1136 (M/S) 2006

1. Chandan Singh S/o Sri Mer Singh,
2. Sher Singh S/o Sri B. Singh,
   Both resident of 446, Indira Colony,
   Dehradun. -------Petitioner.

Versus

1. Civil Judge (Sr. Div.), F.T.C. III, Dehradun,
2. Smt. Fulan Devi W/o late Sri Guru Prasad,
   Both resident of Bhaswala Grant, P.O. Bhaswala,
   District Dehradun.
3. Rajkumar S/o late Sri Guru Prasad,
4. Suresh Chand S/o late Sri Guru Prasad,
   Bothe R/o house no.1, Gali No.1, Naya Purva,,
   Basant Vihar, Dehradun. ------Respondents.

Sri B.P. Nautiyal, learned counsel for the petitioners,
Sri Paresh Tripathi, learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.P. Nautiyal, learned counsel for the petitioners and Sri Paresh Tripathi, learned Standing Counsel for the State.

This writ petition has been filed for seeking following reliefs:-

i. A writ, order or direction in the nature of mandamus may kindly be issued commanding the respondent no. 1 to expedite the proceedings of O.S. No. 565 of 1993 Sri Narendra Kumar and another vs. Surendra Madan Singh, pending in the Court of Civil Judge, Senior Division, Dehradun.
ii. Any further order or direction which this Hon'ble Court deems fit under the facts and circumstances of the case,
iii. To award cost of the petition.

The facts, as narrated in the writ petition, are that an Original Suit bearing no. 432 of 2001 Chandan Singh vs. Fulan Devi was filed by the plaintiffs/petitioners before the Civil

Judge (Sr. Div.), Dehradun against the respondent nos. 2 to 4 for grant of injunction restraining the defendants not to interfere with the peaceful possession of the plaintiffs in respect of the property Khata No. 2064, Khasra no. 521 having area 0.06 acre, situated in village Kanwali, Tehsil Kendriya Doon, district Dehradun.

The defendant/respondent no.2 to 4 have filed their written statement and after perusal of the pleadings, the trial Court has framed necessary issues on 23.09.2004. Since then the suit is pending before the trial Court and the decision in the suit is being delayed by the defendants/respondent nos. 2 to 4 on one pretext or the other.

During the course of arguments, counsel for the petitioner confined his prayer that the Civil Judge (Sr. Div) FTC III, Dehradun may be directed to decide the Original Suit No. 432 of 2001 pending before him with the period prescribed by the Court.

On the facts and circumstances aforesaid, I deem fit and proper to direct the Civil Judge (Sr. Div.), FTC III, Dehradun to decide to the aforesaid suit as expeditiously as possible.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 25, 2006:
NCM: